

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Public Services – Agriculture Department – Sri D.Yellappa, formerly U.D.C., office of the DDA (ICDP), Adoni, Kurnool District (Retired) – Departmental action initiated for the allegation of forgery and misappropriated amount – Inquiry conducted – Awarded a punishment of 100% cut in pension and other pensionary benefits besides recovery of pecuniary loss of Rs.70,614-57 with interest - Appeal petition for review of orders submitted – Examined – Rejected - Orders – Issued.

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**AGRICULTURE AND COOPERATION (VIG.I) DEPARTMENT**

**G.O.Rt.No. 1232**

**Dated:09-10-2009**

**Read the following:-**

1. Pro.Rc.No.Esst.VIII(1)357/77, dated 17-6-1989 of the C&DA, Hyd.
2. Judgement of APAT, dt. 3-11-1998 in O.A.No.11904/90 and O.A.No. 1354/92.
3. Govt.Memo.No. 5188/Vig.I(1)/2001-7, dated 7-1-2002.
4. Explanation of Sri D.Yellappa, UDC (Retd) dt. 8-3-2002.
5. Govt.Memo.No. 5188/Vig.I(1)/2001-10, dated 7-9-2002.
6. From the APPSC Lr.No. 1598/RT-I/2/2002, dated 17-10-2002.
7. Govt.Memo.No. 5188/Vig.I(1)/2001-11, dated 18-11-2002.
8. From Sri D.Yellappa, Explanation dt. 5-1-2003.
9. Govt.Memo.No. 5188/Vig.I(1)/2001-12 dated 29-1-2003.
10. From APPSC Lr.No. 1598/RT.I/2/2002, dated 5-3-2003.
11. G.O.Rt.No.287, A&C (Vig.I) Dept., dated 29-3-2003.
12. From Sri D.Yellappa, UDC (Retd) appeal petition dated 19-6-2006.

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**ORDER:-**

In a disciplinary case, the Commissioner & Director of Agriculture, Hyderabad, has imposed the punishment of dismissal from service besides recovery of Rs.70,614-57 Ps. with interest on Sri D.Yellappa, formerly UDC, office of the Deputy Director of Agriculture (ICDP), Adoni for drawing Government money fraudulently for personal gain by committing criminal acts of forgery, impersonation, misappropriation etc., in a charges proved against him vide reference 1<sup>st</sup> read above.

2. Aggrieved by the above orders, the appellant has filed O.A.No. 11904/90 and O.A.No. 1354/92 in Hon'ble APAT. The Hon'ble APAT in its order dt. 3-11-1998, have set aside the orders of the dismissal and observed that it was open to the respondents to take appropriate action against the appellant, who retired from service on 31-12-1990, in accordance with law and rules, if they so desire. Accordingly, the Commissioner & Director of Agriculture, Hyderabad, was appointed the Joint Director of Agriculture, Kurnool as Inquiry Officer to conduct a detailed enquiry into the charges framed against the appellant. The Inquiry Officer after conducting exparte inquiry, as the appellant has not attended the inquiry, submitted the inquiry report holding that the charges framed against the appellant were proved.

3. After examining the matter, Government have provisionally decided to impose the punishment of 5% cut in pension besides recovery of Rs.70,614-57, accordingly a show cause notice has been issued in the reference 3<sup>rd</sup> read above and after examining the written defence statement received from the appellant Government have confirmed the punishment of 5% cut in pension besides recovery of Rs.70,614-57 and consulted the Andhra Pradesh Public Service Commission for concurrence. The Andhra Pradesh Public Service Commission has informed that the charges leveled against the appellant are misappropriation of Government funds and forgery etc., which are held proved by the Inquiry Officer which attracts the provisions of G.O.Ms.No. 2, General Administration (Ser.C) Department, dated 4-1-1999 and equivalent punishment for dismissal is 100% cut in pension and other pensionary benefits.

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4. After re-examining the matter, Government had decided to withholding the entire pension and pensionary benefits besides recovery of loss of Rs. 70,614-57 with interest accumulated thereon, accordingly a revised show cause notice has been served on the appellant vide reference 7<sup>th</sup> read above. In the reference 8<sup>th</sup> read above, the appellant has submitted his explanation and requested to consider his submissions and exonerate him of the charges. Government have examined the representation of the appellant and had imposed the punishment of 100% cut in pension and other pensionary benefits against Sri D. Yellappa, UDC (Retd), office of the Deputy Director of Agriculture, Adoni, Kurnool District besides recovery of pecuniary loss of Rs.70,614-57 with interest accumulated thereon under Rule 9 of A.P. Revised Pension Rules, 1980 vide reference 11<sup>th</sup> read above.

5. Aggrieved with the above penalty, Sri D. Yellappa, former UDC (Retd), office of the Deputy Director of Agriculture, Adoni, Kurnool District has filed a appeal petition. In his appeal petition he contended that Government initially supposed to impose a penalty of 5% cut in pension besides recovery of Rs.70,614-57 under Rule 9 of APRP Rules, 1980 with the material available. Surprisingly again issued a revised notice increasing the penalty of 100% cut in pension and other pensionary benefits besides recovery of pecuniary loss of Rs.70,614-57 with the same material available. But Government had not assigned any reasons for such harsh punishment. Further, he stated that the appeal filed by the department against the judgement dt. 8-7-1996 of the Subordinate Judge Court, Adoni in O.S. 142/1989 which is in his favour, is pending before the Hon'ble APHC. He has finally requested to set aside the penalty of 100% cut in pension and other pensionary benefits besides recovery of Rs.70,614-57 passed by the Govt. vide G.O.Rt.No.287, Agriculture & Cooperation (Vig.I) Department, dt. 29-3-2003.

6. Government after careful examination of the appeal petition submitted by Sri D.Yellappa, former UDC (Retd), and observed that there are no new grounds for consideration in his favour, as the orders issued in the 11<sup>th</sup> read above are in accordance with the rules issued in the G.O.Ms.No. 2, General Administration (Ser.C) Department, dated 2-1-1999 ie., equivalent punishment for dismissal is 100% cut in pension and other pensionary benefits under rule 9 of A.P. Revised Pension Rules, 1980, as the officer retired from service. Therefore, Government have decided to reject his appeal petition.

7. Accordingly, Government hereby reject the appeal petition filed by Sri D. Yellappa, UDC (Retd), office of the Deputy Director of Agriculture, Adoni, Kurnool District

8. The Commissioner & Director of Agriculture, Hyderabad shall take necessary action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**RACHEL CHATTERJEE  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri D. Yellappa, former UDC (Retd), office of the DDA,  
Adoni, Kurnool District (through C&DA., A.P., Hyderabad.)

**Copy to:**

The Commissioner & Director of Agriculture, Hyderabad.

Sf/Sc.

// FORWARDED BY ORDER //

**SECTION OFFICER**